

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

DONALD P. SPEAKMAN, STEPHEN H.
WEDEL, and MARK L. ROBARE,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs and
Counterclaim Defendants,

v.

ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO., and
ALLMERICA FINANCIAL CORP.,

Defendants and
Counterclaim Plaintiffs.

Civil Action No. 4:04-cv-40077-FDS

**DEFENDANTS' MOTION FOR LEAVE TO FILE
MEMORANDUM IN EXCESS OF TWENTY PAGES**

Defendants and Counterclaim Plaintiffs Allmerica Financial Life Insurance and Annuity Company ("AFLIAC"), First Allmerica Financial Life Insurance Company ("FAFLIC"), and Allmerica Financial Corporation ("AFC") (collectively, "Allmerica") hereby move for leave to file a Memorandum in Opposition to Plaintiffs' Motion for Class Certification, which exceeds the twenty-page limit set forth in Local Rule 7.1(b)(4). As grounds for this motion, Allmerica states as follows:

1. Allmerica's brief is in opposition to Plaintiffs' Motion for Class Certification ("Pls.' Motion").

2. Plaintiffs seek the certification of a nationwide class of “approximately 140 members of the Class residing in more than 25 states.” Pls.’ Motion at 2. The case includes fairly complicated annuities and commission arrangements.

3. To fully respond to Plaintiffs’ arguments in support of certifying a class, Allmerica must address complex issues pertaining to several prongs of Federal Rule of Civil Procedure 23. Plaintiffs acknowledge that “numerous questions of law or fact” are at issue in the class certification determination. Pls.’ Motion at 2.

4. Allmerica requires more than 20 pages to argue its position fully, especially given that First Circuit precedent requires the parties to address class certification issues in the context of an evidentiary record.

5. Pursuant to Local Rule 7.1(a)(2), counsel has conferred with Plaintiffs’ counsel, who declined to assent to the relief sought in this motion.

Wherefore, Allmerica requests that the Court allow it to file their Memorandum in Opposition to Plaintiffs’ Motion for Class Certification.

Respectfully Submitted,

ALLMERICA FINANCIAL LIFE INSURANCE &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INSURANCE CO., and
ALLMERICA FINANCIAL CORP.

By their attorneys,

/s/ Jonathan A. Shapiro

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Dated: November 17, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on this 17th day of November, 2005 by overnight mail on:

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